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09/925,120	08/08/2001	Millard E. Sweatt III	22407-05390	5873
<div>20306 7590 10/18/2007</div> <div>MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP</div> <div>300 S. WACKER DRIVE</div> <div>32ND FLOOR</div> <div>CHICAGO, IL 60606</div>				
			EXAMINER	
			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2152	
			MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/925,120

Applicant(s)

SWEATT ET AL.

Examiner

Philip C. Lee

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13,15-22,24-36,38-41,52,53,55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,15-22,24-36,38-41,52,53,55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

1. This action is responsive to the amendment and remarks filed on July 30, 2007.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/2007 has been entered.
3. Claims 13, 15-22, 24-36, 38-41, 52-53 and 55-56 are presented for examination and claims 1-12, 14, 23, 37, 42-51 and 54 are canceled.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

5. Claims 13, 22, 25 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano et al, U.S. Patent 6,308,205 (hereinafter Carcerano) and Lennon, U.S. Patent 7,065,250 (hereinafter Lennon) in view of Edlund et al, U.S. Patent 6,085,227 (hereinafter Edlund).
6. Carcerano and Edlund were cited in the previous office action.

7. As per claims 13 and 52, Carcerano teaches the invention substantially as claimed, comprising:

accessing a first server (109, fig. 5) remote from the media device (e.g., digital camera, col. 1, lines 21-22; col. 5, lines 15-18) (111, fig. 5) to launch the web-hosted application (col. 9, lines 34-42, 1-6; col. 12, lines 22-24), the web-hosted application being capable of communicating with the media device to extract data therefrom (col. 9, lines 15-22; col. 10, lines 51-55) (polling status and configuration of network devices);

receiving one or more integrated presentations (visual display) formed by the web-hosted application and sent by the first server in response to accessing the first server (col. 9, lines 44-51; col. 10, lines 15-20), each of the integrated presentations including the data extracted to replicate a corresponding interface of the media device (col. 9, lines 51-54) (visual display include corresponding status and configuration polled from the network device);

selecting portions of the interface to initiate one of more commands to operate the media device (col. 15, lines 57-63);

wherein the web-hosted application stored the commands in a transaction file (col. 2, lines 21-24; col. 11, lines 48-63) (i.e., the changes to the status or configuration must be stored in a file since the changes are used by the CGI script to update the database); and

wherein the web-hosted application transmits the commands to the media device (col. 11, lines 59-63).

Art Unit: 2152

8. Although Carcerano teaches network device such as digital cameras and the like (media devices) (col. 1, lines 21-23; col. 5, lines 13-16), however, Carcerano does not specifically teach including digital video recorder. Lennon teaches digital video recorder (i.e. digital cameras that records video)(col. 7, lines 7-11).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano and Lennon because Lennon's teaching of digital video recorder would increase the flexibility of Carcerano's system by allowing digital video recorder or any type of media devices to be operated in Carcerano's system.

10. Carcerano and Lennon do not teach in response to a request, transmit the command. Edlund teaches wherein the application, in response to a request from the media device, transmits the commands to the media device (col. 5, lines 18-29).

11. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon and Edlund because Edlund's teaching would enhance the transmission mechanism of Carcerano's and Lennon's systems by allowing commands to be polled by a device to ensure that the device is not overloaded with too many commands.

12. As per claim 22, Carcerano, Lennon and Edlund teach the invention substantially

Art Unit: 2152

as claimed in claim 13 above. Carcerano further teach wherein accessing the first server comprises sending an http request over the Internet to the first server (col. 7, lines 29-37).

13. As per claim 25, Carcerano, Lennon and Edlund teach the invention substantially as claimed in claim 13 above. Carcerano further teach wherein the data is extracted periodically (col. 9, lines 20-21).

14. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon and Edlund in view of "Official Notice".

15. As per claim 24, Carcerano, Lennon and Edlund teach the invention substantially as claimed in claim 13 above. Carcerano, Lennon and Edlund do not specifically teach wherein the interface is selected from a group of interfaces consisting of a login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record. "Official Notice" is taken that the limitations narrowed by these claims are consider obvious. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different interfaces to operate different media devices as a matter of design choice.

16. Claims 15-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon and Edlund in view of Paroz, U.S. Patent 6,587,125 (hereinafter Paroz).

Art Unit: 2152

17. Paroz was cited in the last office action.

18. As per claims 15 and 16, Carcerano, Lennon and Edlund teach the invention substantially as claimed in claim 13 above. Carcerano, Lennon and Edlund do not specifically detailing object interfaces for operating the digital video recorder. Paroz teaches a similar system wherein the web-hosted application instantiates a plurality of objects for encapsulating functions associated with operating the media device, wherein the objects comprises programmable interfaces for operating the media device (col. 9, lines 12-20; col. 10, lines 17-21).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Edlund, and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Carcerano's, Lennon's and Edlund's systems by allowing a user to write programs for interfacing for the operation of different devices.

20. As per claim 18, Carcerano, Lennon and Edlund teach the invention substantially as claimed in claim 13 above. Carcerano, Lennon and Edlund do not teach the method of transferring in XML format. Paroz teaches wherein the integrated presentation is transferred in XML format (col. 10, lines 46-49).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Edlund, and

Art Unit: 2152

Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

22. As per claims 19 and 20, Carcerano, Lennon and Edlund teach the invention substantially as claimed in claim 13 above. Carcerano, Lennon and Edlund do not teach forming the integrated presentations with additional data received by the web-hosted application from one or more sources of data. Paroz teaches wherein the integrated presentations are formed by combining the data extracted with additional data received by the web-hosted application from databases and online services (col. 9, line 45-col. 10, line 7).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Edlund, and Paroz because Paroz's teaching of forming integrated presentation with additional data from database and online services would increase the efficiency of Carcerano's, Lennon's and Edlund's systems by allowing faster generation of integrated presentation using stored configuration data in the databases.

24. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon and Edlund in view of Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

25. Venkatraman was cited in the last office action.

26. As per claim 26, Carcerano, Lennon and Edlund the invention substantially as claimed in claim 13 above. Carcerano, Lennon and Edlund do not teach data is extracted on the fly. Venkatraman teach wherein the data is extracted on-the-fly (col. 6, lines 13-14).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Edlund, and Venkatraman because Venkatraman's teaching would allow Carcerano's, Lennon's and Edlund's systems to extracted most up-to-date data representing the status of the media device.

28. Claims 27-29, 31-32, 39, 53 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon and Hayes, U.S. Patent 7,046,161 (hereinafter Hayes) in view of Edlund.

29. As per claims 27 and 53, Carcerano teaches the invention substantially as claimed for remotely controlling of at least one media device, comprising:

maintaining, at a server remote from the media device (e.g., digital camera, col. 1, lines 21-22; col. 5, lines 15-18), a local representation of pre-existing information and data extracted from the media device (col. 9, lines 15-21, 47-54);
forming an integrated presentation including data extracted at least one media device (col. 9, lines 51-54);

Art Unit: 2152

transferring the integrated presentation to a network computing system for display on a client in response to receiving an instruction from the client (col. 11, lines 38-51; col. 9, lines 34-54);

receiving a command from the client in response to portions of the integrated presentation being selected, the command representing an operation to be performed on the media device (col. 15, lines 57-65);

updating the local representation with the command (col. 11, lines 52-63); and

sending the command to the media device to perform the operation on the media device (col. 11, lines 59-63).

30. Although Carcerano teaches network device such as digital cameras and the like (media devices) (col. 1, lines 21-23; col. 5, lines 13-16), however, Carcerano does not specifically teach including digital video recorder. Lennon teaches digital video recorder (i.e. digital cameras that records video)(col. 7, lines 7-11).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano and Lennon because Lennon's teaching of digital video recorder would increase the flexibility of Carcerano's system by allowing digital video recorder or any type of media devices to be operated in Carcerano's system.

32. Carcerano and Lennon do not teach simulate a corresponding interface. Hayes teaches forming an integrated presentation including data extracted to simulate a

Art Unit: 2152

corresponding interface of the at least one media device (col. 12, line 61-col. 13, lines 16).

33. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon and Hayes because Hayes's teaching would enhance the visual presentation of Carcerano's and Lennon's systems by allowing the visual presentation to tailor the function keys used to command functional operations of the device to match the exact device being controlled (col. 7, lines 55-58).

34. Carcerano, Lennon and Hayes do not teach only after receiving a request, sending the command. Edlund teaches only after receiving a request from the media device, sending the commands to the media device(col. 5, lines 18-29).

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, and Edlund because Edlund's teaching would enhance the transmission mechanism of Carcerano's, Lennon's and Hayes's system by allowing commands to be polled by a device to ensure that the device is not overloaded with too many commands.

36. As per claim 55, Carcerano teaches the invention substantially as claimed comprising:

Art Unit: 2152

receiving, through the web-hosted client interface, a command for the operation of a first media device (e.g., digital camera, col. 1, lines 21-22; col. 5, lines 15-18) (col. 15, lines 57-63);

storing the command in a first transaction file (col. 2, lines 21-24); and

transmitting the first transaction file to the first media device (col. 11, lines 59-63).

37. Although Carcerano teaches network device such as digital cameras and the like (media devices) (col. 1, lines 21-23; col. 5, lines 13-16), however, Carcerano does not specifically teach including digital video recorder. Lennon teaches digital video recorder (i.e. digital cameras that records video)(col. 7, lines 7-11).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano and Lennon because Lennon's teaching of digital video recorder would increase the flexibility of Carcerano's system by allowing digital video recorder or any type of media devices to be operated in Carcerano's system.

39. Carcerano and Lennon do not teach simulate the interface of a media device. Hayes teaches providing a web-hosted client interface, wherein the web-hosted client interface simulates the interface of at least one media device (col. 11, lines 19-33; col. 9, lines 55-62; col. 12, line 61-col. 13, lines 16);

receiving program guide information (col. 12, lines 33-43); and

Art Unit: 2152

displaying the program guide information in the web-hosted client interface (col. 11, lines 25-36; col. 12, lines 33-43).

40. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon and Hayes because Hayes's teaching would enhance the visual presentation of Carcerano's and Lennon's system by allowing the visual presentation to tailor the function keys used to command functional operations of the device to match the exact device being controlled (col. 7, lines 55-58).

41. Carcerano, Lennon and Hayes do not teach receiving a request, and in response to the request transmitting the transaction file. Edlund teaches receiving, from the first media device, a request for the first transaction file; and in response to the request, transmitting the first transaction file to the first media device(col. 5, lines 18-29).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, and Edlund because Edlund's teaching would enhance the transmission mechanism of Carcerano's, Lennon's and Hayes's system by allowing commands to be polled by a device to ensure that the device is not overloaded with too many commands.

43. As per claim 28, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano and Hayes further taught wherein

Art Unit: 2152

the network computing system comprises at least one web server communicatively coupled to a network, the web server receiving and forwarding the integrated presentation to the client over the network (see Carcerano, 109, fig. 5; col. 11, lines 38-51; see Hayes, 300, fig. 17; col. 9, lines 45-67; col. 12, line 61-col. 13, line 5).

44. As per claim 29, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 28 above. Carcerano further teach wherein the network comprises the Internet (col. 7, lines 52-55).

45. As per claim 31, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Hayes further taught wherein the integrated presentation comprises a virtual representation of a user interface associated with the media device (col. 11, lines 19-33; col. 9, lines 55-62; col. 12, line 61-col. 13, line 5).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, and Edlund for the same reason as claim 27 above.

47. As per claim 32, Carcerano, Lennon, Hayes, and Edlund teach taught the invention substantially as claimed in claim 27 above. Carcerano and Hayes further teach wherein maintaining the local representation comprises storing the pre-existing information and the data on a database (see Carcerano, col. 9, lines 15-17, 47-54; see Hayes, col. 11, lines 19-24, 33-41).

48. As per claim 39, Carcerano, Lennon, Hayes, and Edlund taught the invention substantially as claimed in claim 27 above. Carcerano further taught wherein the client comprises a browser (70, fig. 5).

49. As per claim 56, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 55 above. Although Carcerano, Lennon, Hayes, and Edlund teach receiving, through the web-hosted client interface, a command for the operation of the first digital video recorder (see Carcerano, col. 15, lines 57-63; see Lennon, col. 7, lines 7-11); storing the command in a transaction file (see Carcerano, col. 2, lines 21-24); receiving, from the first digital video recorder, a request for the transaction file (see Edlund, col. 5, lines 18-29; see Lennon, col. 7, lines 7-11); and in response to the request, transmitting the first transaction file to the first digital video recorder (see Edlund, col. 5, lines 18-29; see Carcerano, col. 11, lines 59-63; see Lennon, col. 7, lines 7-11), however, Carcerano, Lennon, Hayes, and Edlund do not explicitly teach the method of claim 55 for a second media device.

50. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a second or any number of media devices because by doing so it would allow a user in their systems to obtain, monitor and control status and configuration of network devices, thus the user can perform management operations with a plurality of network devices remotely.

Art Unit: 2152

51. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon, Hayes, and Edlund in view of "Official Notice".

52. As per claim 38, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano, Lennon, Hayes, and Edlund do not specifically teach wherein the interface is selected from a group of interfaces consisting of a login interface, a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record. "Official Notice" is taken that the limitations narrowed by these claims are consider obvious. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different interfaces to operate different media devices as a matter of design choice.

53. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon, Edlund, and Venkatraman in view of "Official Notice".

54. As per claim 17, Carcerano, Lennon and Edlund teach the invention substantially as claimed in claim 13 above. Carcerano, Lennon and Edlund do not teach access to a second server. Venkatraman teaches wherein one of the commands (e.g. sending a HTTP GET command by selecting an URL) causes the first server to access a second server (col. 3, lines 43-50), however, Venkatraman does not teach the web-hosted application running on the second server. "Official Notice" is taken for the concept of a web-hosted application running on a second server is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made

Art Unit: 2152

to include the web-hosted application running on the second server because by doing so it would allow a user to remotely access a web hosted application on a second server via a first server.

55. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon, Edlund, and Paroz view of Gordon et al, U.S. Patent Application Publication 2003/0217360 (hereinafter Gordon).

56. Gordon was cited in the last office action.

57. As per claim 21, Carcerano, Lennon, Edlund and Paroz teach the invention substantially as claimed in claim 19 above. Carcerano, Lennon, Edlund, and Paroz do not teach broadcast programming guides. Gordon teaches wherein the sources of data comprise broadcast programming guides in an electronic format (page 4, paragraph 50-52).

58. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Edlund, Paroz and Gordon because Gordon's teaching of broadcast programming guide would increase the functionality of their systems by providing preview context based on user selection of program title (page 1, paragraph 12).

59. Claims 30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Carcerano, Lennon, Hayes, and Edlund in view of Paroz.

60. As per claim 30, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano, Lennon, Hayes, and Edlund do not specifically teach data sources are selected from databases and online websites. Paroz teaches wherein the data sources are selected from a group consisting of databases and online websites (col. 9, line 45-col. 10, line 7).

61. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, Edlund, and Paroz because Paroz's teaching of forming integrated presentation with data sources selected from a group of databases and online websites would increase the efficiency of their system by allowing faster generation of integrated presentation using stored configuration data in the databases.

62. As per claims 33 and 34, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano, Lennon, Hayes, and Edlund do not specifically teach objects of the interface. Paroz teaches comprising
instantiating a plurality of objects for encapsulating functions associated with the
operation of the media device, wherein the objects comprise programmable
interfaces for invoking the operation on the media device (col. 9, lines 12-20; col.
10, lines 17-21).

Art Unit: 2152

63. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, Edlund, and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in their systems by allowing a user to write programs for interfacing for the operation of different devices.

64. As per claim 35, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano, Lennon, Hayes, and Edlund do not explicitly teach XML, Paroz teaches the process of transferring in XML format (col. 10, lines 46-49).

65. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, Edlund, and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

66. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon, Hayes, and Edlund in view of Gordon.

67. As per claim 36, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano, Lennon, Hayes, and Edlund do not teach broadcast programming guides. Gordon teaches wherein the sources of data comprise broadcast programming guides in an electronic format (page 4, paragraph 50-

Art Unit: 2152

52).

68. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, Edlund, and Gordon because Gordon's teaching of broadcast programming guide would increase the functionality of their systems by providing preview context based on user selection of program title (page 1, paragraph 12).

69. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano, Lennon, Hayes, and Edlund in view of Venkatraman.

70. As per claims 40 and 41, Carcerano, Lennon, Hayes, and Edlund teach the invention substantially as claimed in claim 27 above. Carcerano, Lennon, Hayes, and Edlund do not specifically teach the local representation is maintained on a periodic basis or on-the-fly. Venkatraman teaches wherein the local representation is maintained on a periodic basis (col. 6, lines 6-7) or on-the-fly (col. 6, lines 13-14).

71. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Carcerano, Lennon, Hayes, Edlund, and Venkatraman because Venkatraman's teaching would allow Carcerano's, Lennon's, Hayes's and Edlund's systems to extracted most up-to-date data representing the status of the media device.

Art Unit: 2152

72. Applicant's arguments with respect to claims 13, 15-22, 24-36, 38-41, 52-53 and 55-56, filed 7/30/07, have been fully considered but are moot in view of new ground(s) of rejection.

73. In the remarks, filed on 7/30/07, applicant states: "The "Official Notice" taken by the examiner is improper in that it does not relate to the scope or content of the prior art, but only to the bald assertion that the claimed subject matter is obvious". Examiner is unclear which claim is the applicant referring to, and how the "Official Notice" is not relate to the scope or content of the prior art. It is noted that references supporting the "Official Notice" had been provided in the Office Action mailed on 8/24/05 (see response to argument, point (2), paragraph 59).

74. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2152

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

A handwritten signature in cursive script, appearing to read "Philip Lee". The signature is written in black ink and is positioned to the right of the "P.L." text.